



Council of the
European Union

100190/EU XXV. GP
Eingelangt am 15/04/16

Brussels, 14 April 2016
(OR. en)

7905/16

JAI 285
ASIM 55
CO EUR-PREP 16

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	13 April 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2016) 222 final
Subject:	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL Second report on relocation and resettlement

Delegations will find attached the Commission document COM(2016) 222 final.

Encl.: COM(2016) 222 final



Strasbourg, 12.4.2016
COM(2016) 222 final

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE
EUROPEAN COUNCIL AND THE COUNCIL**

Second report on relocation and resettlement

1 Introduction

On 16 March 2016, the Commission adopted the First Report on Relocation and Resettlement¹ summarising the challenges identified and lessons learned in the first months of their implementation of these schemes and proposing recommendations and actions in the short term to improve their implementation.

Since 16 March 2016, 9,928 persons² have arrived in Greece. With the closure of the border between Greece and the Former Yugoslav Republic of Macedonia, between 50,000 and 56,000 persons are stranded in Greece³ and, according to first estimations by the UNHCR,⁴ 65% to 70% of those belong to one of the nationalities eligible for relocation. In addition, in Italy, well known seasonal fluctuations are being witnessed with flows increasing again. Since mid-March, more than 8,564 migrants⁵ arrived in Italy.

On 18 March 2016, the European Union and Turkey agreed on steps to be taken to end the irregular migration from Turkey to the EU and agreed on a series of action points. The EU-Turkey statement⁶ foresees that all those that arrived in Greece irregularly after 20 March may be readmitted to Turkey and lays down the basis for the 1:1 mechanism, according to which for every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey.

Overall, progress since the First Report on Relocation and Resettlement has been unsatisfactory. Regarding relocation, the Commission set a target to relocate at least 6,000 persons by the time of the Second Report. This target has not been met. Only 208 additional persons have been relocated during the reporting period and relocation efforts were made by only a few Member States and associated States. The implementation of the relocation obligations therefore remains a priority to alleviate the pressure on Greece and Italy.

As regards resettlement, 5,677 people have been resettled so far of the agreed 22,504. In the short time since the application of the agreement set out in the EU-Turkey Statement started on 4 April⁷, 79 persons have been resettled from Turkey to the EU under the 1:1 mechanism. The speeding up and increasing of resettlement efforts has become even more a priority as a result of this mechanism.

The Second Report on Relocation and Resettlement provides an updated state of play and assesses the actions undertaken from 16 March 2016 until 11 April (the reporting period) to

¹ COM (2016) 165 final.

² Source Frontex, as reported by Greece in the frame of the Western Balkans daily report.

³ Source Frontex.

⁴ UNHCR is working on a more precise estimate. According to the information on its data portal, about 65% of those who arrived in Greece since the beginning of 2016 are Syrians and Iraqis. 65% has been therefore used as a broad estimate of persons eligible for relocation among those stranded until official data is received. <http://data.unhcr.org/mediterranean/country.php?id=83>.

⁵ The number of arrivals in Italy (in total and not only in the Hotspots) for the mentioned period (detection date: 16.03 – 09.04.2016) and as reported in JORA (Joint Operations Reporting Applications) in the frame of the Joint Operation Triton 2016 (finally accepted incidents as of 11.04.2016).

⁶ <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>.

⁷ SN 38/16, 18.03.2016

deliver on the recommendations made to accelerate the implementation of the relocation and resettlement schemes. The Commission will continue to report on the implementation of relocation and resettlement commitments every month.

2 Relocation

2.1 Actions by the Member States of relocation

From 16 March until 11 April, only 208 additional people had been relocated, 46 from Greece (to Estonia, Portugal and Finland) and 162 from Italy (to Portugal, France, Finland and Romania), bringing the total number of persons relocated to 1,145 (615 from Greece and 530 from Italy).

Until 16 April, 42 persons are planned to be relocated from Greece to Finland, Latvia, Romania and Bulgaria⁸ and 42 from Italy to Romania and Finland.⁹ Ireland, Estonia, Luxembourg and Czech Republic have recently accepted relocation requests from Greece and the transfer flights will be organised shortly.¹⁰ In addition, France, the Netherlands and Portugal are processing large number of relocation requests from Greece for an expected transfer by the end of April.¹¹

Actions to address the limited number of pledges: seven Member States (Belgium, France, Estonia, Latvia, Lithuania, Malta and Romania) have submitted 793 new indications of readiness to relocate swiftly applicants for international protection (the "formal pledges"). The total number of formal pledges by Member States of relocation amounts to 4,516 (1,573 to Italy and 2,943 to Greece) 2.82% of total. Austria,¹² Croatia, Hungary and Slovakia have still not submitted any pledge. Czech Republic, Poland, and Slovenia have not yet delivered on their pledges. The bilateral arrangement¹³ between Norway and Italy has been concluded on 22 March, while the bilateral arrangement with Switzerland was concluded on 24 February. Italy has already submitted the first relocation requests to Switzerland. Norway and Switzerland have each committed to relocate 900 asylum applicants from Italy. The arrangements between Norway and Greece and between Switzerland and Greece are being finalised.

Actions to speed up the response time to relocation requests: the majority of Member States take too long to reply to relocation requests. Luxembourg, France, Finland and Portugal

⁸ 5 persons to Finland, 15 to Latvia, 20 to Romania and 2 to Bulgaria.

⁹ 29 to Romania and 13 to Finland. In addition, the first relocation from Italy to Latvia (8 persons) is planned for 18 April.

¹⁰ Ireland accepted 26 relocation requests from Greece, Estonia 15, Luxembourg 37, and the Czech Republic 7.

¹¹ France 110-120 (transfers for 123 persons planned for 19-20 April), the Netherlands 96, and Portugal 229.

¹² Austria benefits from a temporary suspension of the relocation of up to 30 % of applicants allocated to Austria under Council Decision (EU) 2015/1601. As a consequence Austria has a one year suspension for the relocation of 1 065 persons. However, Austria should be relocating (and submitting pledges for) the remaining allocations.

¹³ Article 11 of the Council Decisions: *"With the assistance of the Commission, bilateral arrangements may be made between Italy and, respectively, Iceland, Liechtenstein, Norway and Switzerland, and between Greece and, respectively, Iceland, Liechtenstein, Norway and Switzerland, on the relocation of applicants from the territory of Italy and of Greece to the territory of the latter States. The core elements of this Decision, in particular those relating to the relocation procedure and the rights and obligations of applicants, shall be duly taken into account in those arrangements."*

are making significant efforts to accelerate their response time, including the security clearance, in order to meet the two-week target set by the Commission in the First Report on Relocation and Resettlement. All Member States should ensure they meet the two week target.

Actions to address challenges related to the relocation of vulnerable applicants, including unaccompanied minors: 250 minors have been relocated (234 from Greece and 16 from Italy) since the beginning of the implementation of the relocation scheme of which 4 were unaccompanied minors and were relocated to Finland.¹⁴ Another 10 unaccompanied minors will be relocated to Finland on 11 April. Belgium has followed the Commission's call to increase places for unaccompanied minors and, as part of its first pledge to Greece for the relocation of 100 applicants, it offered 10 places for this category of vulnerable applicants.

Actions to increase migrants' acceptability and trust in the scheme and avoiding withdrawals: 14 Member States (Belgium, Cyprus, France, Finland, Germany, Ireland, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Spain and Sweden) and Switzerland have sent pre-departure information.

Actions to reinforce EASO's capacity to support Italy and Greece: the response to the specific calls for experts launched by EASO in January, February and March for deployments in Italy has been largely positive and all nominated experts were deployed. The response to the specific calls for relocation launched on 10 December, 4 March and 9 March for deployment in Greece of minimum 30, 39 and 57 respectively yielded 40, 30 and 26 experts. Currently 34 persons are deployed in Greece from EASO in the relocation process. EASO has launched an additional call for 6 April, asking for 42 experts from mid-April until mid-June.¹⁵

2.2 Actions by Greece and Italy, including highlights from the roadmaps

- *Greece*

Actions to make the hotspots fully operational: all hotspots are currently operational with the exception of Kos. The nature of the hotspot work has significantly changed after the adoption of the EU-Turkey statement and currently provision of information on the relocation scheme in the Hotspot is suspended for migrants arriving after 20 March.

Actions to improve the registration capacity of the Greek Asylum Service: on 3 April, Greece adopted *legislation* which, *inter alia*, transposed the recast Asylum Procedures Directive.¹⁶ The law enhances the mandate of the Asylum Service and the Appeals Authority and improves the legal basis for their operation. It transforms the First Reception Service into the Reception and Screening Service and establishes new Authorities for the management of the relevant EU Funds and the implementation of the national programmes. The law also includes provisions which aim at facilitating the implementation of the inadmissibility

¹⁴ No information is available about other category of vulnerable applicants.

¹⁵ EASO launched a general call for 374 experts on 5 October 2015 and has only received 201 offers to fill these posts. The specific calls were issued as a follow up to this general call defining specific expert profile needs and for defined periods of time. The most recent call for experts (400 consequently revised to 472) is a special call following the 17 and 18 March European Council Conclusions to cover the expert needs related to tasks on admissibility stemming from the EU-Turkey statement.

¹⁶ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, OJ L 180, 29.6.2013, p. 60.

procedure with regard to asylum applicants coming from Turkey, and allows for the provision of assistance by EASO experts and interpreters in the national asylum procedure.

Actions to improve the coordination: the *relocation protocol* which aims at clarifying the responsibilities and the timeframes for the different steps in the relocation workflow has been discussed with all relevant partners and modified to also take account of the evolving situation in Greece. The revised protocol is expected to be adopted in the week of 11 April.

Actions to improve the reception capacities in Greece: currently the total reception capacity in Greece stands at 41,360 places. The UNHCR will offer additional reception places in camps, apartments and hotels as part of the efforts to increase both the number and centralisation of places for relocation applicants under its rental scheme.¹⁷ The UNHCR has already started the construction of a dedicated camp for applicants under the relocation procedure at Lagadikia, near Thessaloniki. The camp, which is planned to be ready in the week of 11 April, will have a capacity of 1,400 places, and is expected to significantly facilitate the relocation workflow around the Thessaloniki area. Discussions are ongoing between the UNHCR and the Greek authorities regarding the provision of more sites for the construction of dedicated camps for applicants to be relocated, notably in the Attica region.

Actions to address challenges related to the relocation of vulnerable applicants, including unaccompanied minors: NGOs are supporting the Public prosecutor by offering lawyers who undertake the responsibility to represent unaccompanied minors in the islands. Discussions are ongoing between the relevant stakeholders to provide similar services in the Athens and Thessaloniki areas.

- *Italy*

Actions to make the hotspots fully operational: Italy has submitted a revised roadmap to the European Commission on 31 March 2016. Currently the hotspots of Pozzallo, Lampedusa, Trapani and Taranto are operational. In the revised roadmap Italy has indicated the imminent opening of an additional hotspot which is essential in order to ensure orderly management of peaks of disembarkation that are likely to take place during the summer. In addition the establishment of a mobile hotspot capacity is being finalised. The Italian Authorities have also adopted the Standard Operating Procedures for the hotspots.

Actions to improve the coordination: the new premises of the EU Regional Task Force (EURTF) in Catania have been finalised and operations have moved there. The official inauguration of the new EURTF premises is planned for the 29 April.

Actions to improve the reception and processing capacities in Italy: the Italian Authorities have submitted the new reception/contingency plan in view of the summer months. The total Italian reception capacity is set at 111,081 places across the country with a plan for a further increase of first level capacity with 3,498 additional places by the end of the year, and 10,000 additional places for second level reception. From 1st January to 26 February 2016, applications for international protection amounted to 14,754 and related decisions to 14,139, signifying an increase by 37.53% and 145.72% respectively compared to the same period last year.

¹⁷ The UNHCR rental scheme currently has a capacity of 3,600 places.

Actions to address challenges related to the relocation of vulnerable applicants and unaccompanied minors: meetings have been taking place with the Ministry of Justice and the Ministry of the Interior on the procedures to allow the relocation of unaccompanied minors, however to date no final procedure has been determined.

2.3 Actions by the Commission and EU agencies

- *European Commission*

On 17 March, the Commission organised the *5th Resettlement and Relocation Forum*, together with Member States, EASO, IOM and UNHCR, to present and discuss the challenges and the recommendations identified in the First Report on Relocation and Resettlement. The Commission continues to hold *regular meetings* at least on a monthly basis *with Liaison Officers* respectively to Italy and Greece aiming to accelerate the relocation process.

- *EASO*

Actions to speed up the relocation process: as part of EASO's efforts to support the Greek Asylum Service, EASO has started a *registration pilot* first in Athens on 15 March 2016 and then in Thessaloniki, on 21 March 2016, whereby EASO experts are supporting the Greek Asylum Service in the registration of relocation cases. The pilot started in a third location, Alexandroupoli, on 6 April 2016. In addition, EASO is currently discussing with the Greek authorities the implementation of *a pre-registration process* in order to improve the access to the relocation programme of the asylum applicant eligible for relocation. UNHCR is also in discussions with the Greek Asylum Service to provide similar services.

In Italy, EASO is also supporting with mobile units and organised the first pilot meeting with civil society in Sicily on 15 and 16 March 2016 to ensure better coordination with civil society organisations.

Actions to increase migrants' acceptability and trust in the scheme and avoiding withdrawals: EASO has also implemented many of the recommendations included in the First Report on Relocation and Resettlement regarding *communication* activities. EASO has created an EU Relocation Programme Facebook page, in English and Arabic, to be used as an information platform for persons who are interested in relocation and also to promote successful stories. In addition to the existing general leaflet on relocation, EASO has prepared two other leaflets, one aimed at the persons to be relocated from Greece and the other aimed at the persons to be relocated from Italy. EASO has also developed a general information pack with basic necessities for applicants to be relocated in Greece and Italy. Finally, EASO is currently preparing a relocation communication package for children and a mobile application, reflecting the contents of the information leaflets for Italy and Greece. EASO is also finalising the tool on the best interests of the child assessment for relocation purposes and working with the Italian and Greek authorities to adapt it to the national context.

3 Resettlement

Based on the information received from the participating States 5,677 people were resettled until 11 April 2016 in the framework of the resettlement scheme of 20 July 2015¹⁸ to 15 resettling States (Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Liechtenstein, the Netherlands, Norway, Switzerland and the United Kingdom). A majority of States participating in the scheme indicated that their resettlement efforts were primarily, but not exclusively, directed at Syrians staying in Jordan, Lebanon and Turkey.

While under the Conclusions of 20 July 2015 Member States have agreed on a rather broad spectrum of priority regions for resettlement, it is expected that following the **EU-Turkey statement of 18 March 2016**¹⁹, most of the approximately 16,800 remaining places for resettlement in the framework of this scheme should take place from Turkey.

As announced in the EU-Turkey Statement of 18 March 2016, a mechanism is established to substitute irregular and dangerous migrant crossings from Turkey to the Greek islands with the legal channel of resettlement from Turkey to the EU. The EU and Turkey agreed to resettle one Syrian from Turkey for every Syrian readmitted by Turkey after arriving irregularly in the Greek islands. This 1:1 mechanism aims to replace irregular flows of migrants travelling in dangerous conditions across the Aegean Sea by an orderly and legal resettlement process.

Since 4 April 2016, when the 1:1 mechanism started to be applied, 37 Syrians have been resettled to Germany, 11 to Finland and 31 to the Netherlands.

The Commission has been working together with the Member States and the Turkish authorities on fast-track Standard Operating Procedures for the implementation of the resettlement part of the 1:1 scheme with Turkey. EASO and UNHCR have been closely associated throughout the procedure. The final endorsement of the Standard Operating Procedures by the EU and Turkey is expected to take place swiftly.

- **Offering 54,000 places from the relocation scheme for legal pathways to the EU**

On 21 March 2016, the Commission tabled a proposal²⁰ to make available further places for resettlement or other forms of legal admission from Turkey by amending Council Decision (EU) 2015/1601 of 22 September to relocate applicants for international protection from Italy and Greece.

With this amendment, it is proposed to make the 54,000 places initially foreseen for relocation, available for the purpose of admitting Syrians from Turkey to the EU through resettlement, humanitarian admission or other legal pathways, such as humanitarian visas, scholarships, family reunifications schemes, etc. The 54,000 places made available for legal admission constitute the currently non-allocated reserve for relocation under the existing Council Decision. Member States would be able to subtract from the number of applicants to be relocated the number of Syrians legally admitted to their territory from Turkey under

¹⁸ Council document 11130/15 "Conclusions of the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20,000 persons in clear need of international protection".

¹⁹ <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>.

²⁰ COM(2016) 171 final.

national or multilateral resettlement schemes. These numbers would be in addition to the commitments carried out under the resettlement Conclusions of 20 July 2015. Negotiations on the proposed amendment have started in the Council and the aim is to conclude them as quickly as possible.

- **Towards a structured EU resettlement system**

On 6 April the Commission organised the **6th Resettlement and Relocation Forum** to consult Member States, Dublin Associated States as well as UNHCR and IOM on a future proposal for a structured EU resettlement system, which was announced in the Commission Communication adopted the same day.²¹

Discussions revolved around identifying elements which could form part of a future EU resettlement framework, common procedures and collective arrangements that could be envisaged, ways to ensure a fair sharing of resettlement responsibility among the Member States, scaling up EU resettlement efforts as a whole, and the role of actors, such as UNHCR, IOM, and EASO.

- **UNHCR Conference on global responsibility sharing through pathways for Syrian refugees**

Commissioner Avramopoulos took part in the High Level meeting on global responsibility sharing through pathways for Syrian refugees, which was organised by UNHCR on 30 March. At this occasion, the Commission reaffirmed the commitment of the EU to contribute to the international efforts in replying to the global displacement crises while encouraging all members of the international community to step up their efforts in this area.

As reported by the UNHCR, the Conference was a moderate success, reaching an estimated 185,000 pledged places for resettlement and other forms of legal admission for Syrian refugees globally, up from around 178,000 pledges made available before the Conference. In this respect the event is seen as a stepping stone to the Summit addressing Large Movements of Refugees and Migrants to be held at UN General Assembly in September 2016, where further concrete and meaningful contributions of resettling countries are expected.

4 Way forward

Based on the latest available information, between 35,000 and 40,000 persons in Greece would be eligible for relocation, while migration flows are increasing also in Italy. Member States of relocation need to fully implement their obligations under the Council Decisions on relocation with a view to alleviate the pressure on the frontline Member States. The Commission therefore urges the Member States of relocation to increase dramatically their efforts to reply to the urgent humanitarian situation in Greece and prevent the deterioration of the situation in Italy.

The **European Council** Conclusions have systematically called for an acceleration of relocation. The calls made by the Heads of State or Government must be matched with determined action by the competent national services on the ground.

²¹ COM(2016) 197 final.

The Commission considered in its First Report on Relocation and Resettlement that at least 6,000 relocations should be completed by 16 April, and 20,000 by 16 May. The Commission continues to believe that such a target can be reached if all stakeholders, particularly the Member States of relocation, show willingness in making relocation work and act together swiftly.

The Commission will continue monitoring the implementation of the recommendations and targets included in the First Report on Relocation and Resettlement and reserves the right to take action where Member States are not complying with their obligations.

In parallel, Member States need to deliver on their resettlement commitments. In particular, it is imperative to lend timely support to the implementation of the EU-Turkey agreement. On 20 April, the Commission will report on the implementation of the this Agreement, including the resettlement efforts carried out as part of it.